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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,966	05/20/1999	SYED S. ALI	ALI17-3	5858

7590 07/25/2006

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/314,966

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 18, 19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-7, 9-12, 15, 18, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabkel US 5,963,626.

1.1 Regarding claim 1, Nabkel discloses a centralized voice messaging system (telephone answering device) in figure 6 (column 4, lines 55-60), comprising:

a telephone line interface for accepting telephone calls from callers (Abstract; column 2, lines 25-37; column 5, lines 61-65);

a controller (by inherency) for comparing a subscriber's (party calling the voice messaging system) PIN (caller ID) with pre-stored caller information (column 2, lines 29-33; figure 1, steps 100-114);

a pre-stored caller ID information memory (by inherency) to pre-stored caller ID information, such as a PIN associated with a subscriber (party calling the voice messaging system) who is authorized to leave a secure message on the system (column 2, lines 29-37; figure 1, steps 100-114; figure 3, steps 132-141);

a voice message memory (by inherency) adapted to store a plurality of voice messages (column 3, lines 16-26); and

a secured message authorization module (controller with associated software) adapted to allow the subscriber (party calling the voice messaging system) to leave a private voice message for an individual recipient (e.g. Julieann), or a group voice message for a baseball team (column 3, lines 16-26). Nabkel teaches allowing the subscriber to secure a voice message with a message PIN or a recipient's PIN (column 3, lines 53-58) so that only the recipient(s) (party calling the subscriber) with the correct PIN can retrieve a secured voice message (column 3, lines 53-58; column 4, lines 20-47; note: in column 4, line 46, "the subscriber" is a typo, it should be "the calling party").

1.2 Regarding claim 2, Nabkel teaches a playback/recording module adapted to record a voice message (column 3, lines 16-26).

1.3 Regarding claim 3, Nabkel teaches an authorized security code table (PINs) for allowing subscribers (parties calling the voice messaging system) to separately secure voice messages (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.4 Regarding claim 4, Nabkel teaches that the authorized security code table includes at least one security code (PIN) allowing a recipient (voice messaging system user) to access a secured voice message (column 4, lines 24-47).

1.5 Regarding claim 5, Nabkel teaches that the authorized security code table is adapted to includes call related information (PIN) relating to at least one subscriber (calling party to the voice messaging system) authorized to secure a voice message (column 2, lines 29-37, 58-65; column 4, lines 24-47; figure 1, steps 100-114).

1.6 Regarding claim 6, Nabkel teaches that the secured message authorization module is adapted to allow a subscriber (party calling the voice messaging system) to secure a voice message upon entry of a PIN matching a pre-stored PIN (column 2, lines 29-37, 58-65; figure 1, steps 100-114' figure 3, steps 132-141).

1.7 Regarding claim 7, Nabkel teaches the secured message authorized module is adapted to allow a party calling the voice messaging system to secure a voice message

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upon matching call related information (PIN) with a pre-stored caller information (column 2, lines 29-37; figure 1, steps 100-114; figure 3, steps 132-141).

1.8 Regarding claim 9, Nabkel teaches a call related information detector/receiver adapted to detect and receive the PIN of a subscriber (party calling the voice messaging system) (column 2, lines 29-37; figure 1, steps 100-114).

1.9 Regarding claim 10, Nabkel teaches comparing the PIN entered by the subscriber (party calling the voice messaging system) with at least one pre-stored authorized security code (PIN) to allow the subscriber to separately secure a voice message (column 2, lines 29-37, 58-65; column 3, lines 53-58; figures 1, steps 100-114; figure 3, steps 132-141).

1.10 Regarding claims 11 and 18, Nabkel discloses a voice messaging system (telephone answering device) (column 4, lines 55-60) using a single mailbox (a mailbox is a memory area for storing messages) for securing a voice message. Nabkel teaches:

receiving (downloading) a PIN (caller ID) from a subscriber (party calling the voice messaging system) (column 2 lines 29-33; figure 1, steps 100-114);

comparing the PIN to a pre-stored caller ID (column 2, lines 34-37; figure 1, steps 100-114); and

upon matching the PIN with the pre-stored caller ID, securing the voice message for access only by an authorized recipient (user of the voice messaging system) with a

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corresponding message PIN or a recipient PIN (column 2, lines 34-37; column 3, lines 16-26, 53-58; column 4, lines 21-47; figure 3, steps 132-141).

1.11 Regarding claims 12 and 19, Nabkel teaches that the securing is performed after said message is being recorded (column 3, lines 53-58; figure 3, steps 132-141).

1.12 Regarding claims 15 and 22, Nabkel teaches that a party calling the voice messaging system is prompted to enter his PIN (column 2, lines 29-33). Nabkel also teaches interfacing with DTMF via a telephone (column 5, lines 61-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US Patent No. 5,963,626 in view of Oberlander et al. US Patent No. 5,825,865.

Nabkel discloses a voice messaging system in that a first calling party (column 2, lines 28-32) can leave a voice message with specified security parameters, such as a recipient PIN, i.e. security status (column 3, lines 53-55; column 4, lines 21-47). Nabkel fail to teach that the recipient PIN is included in the header of the voice message.

However, Oberlander discloses a multimedia messaging system in figure 1. Oberlander teaches that in addition to a destination ID, a message header includes a personal ID of a recipient (column 4, lines 27-31, 44-52; Figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nabkel's reference with the teaching of Oberlander, so that the recipient PIN of the voice messages would have been stored in the header portion of the voice message, because such a modification would have clarified the Nabkel's teaching to where the recipient PIN was associated with the voice message.

Allowable Subject Matter

3. Claims 13, 14, 20 and 21 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

The current invention recites a limitation of securing a voice message before or during recording. The securing, while not positively recited in these claims, is to tag a security status with the voice message. See page 6, lines 28-29 and page 7, lines 1-2 of the Specification. Nabkel teaches securing a voice message only after the voice message is recorded.

Response to Arguments

5. Applicant's arguments filed on 5/8/2006 have been fully considered but they are not persuasive.

The applicant argues that Nabkel fails to teach a caller ID associated with a party (subscriber) calling a voice messaging system. However, Nabkel teaches verifying a PIN of a subscriber (party calling the voice messaging system) (see column 2, lines 29-33; figure 1, steps 100-114) before the subscriber is authorized to leave a voice message. As known in the art, a caller's PIN is a caller ID because a PIN identifies a particular person, not just a telephone number (CLID, or calling line ID) which might be shared by a plurality of users (e.g. family members sharing one single telephone number). Therefore, Nabkel teaches the claimed "caller ID" limitation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

07/18/2006



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